HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

Writ Petition No. 26613 of 1996

Between

M.V.Bheem Rao ..Petitioner

AND

The Management of Indian Air Lines, Central Training Establishment, Hyderabad and others ..Respondents

:: JUDGMENT ::

2.3.2007

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The question as to whether a workman employed by the respondent industry or Central Government can invoke the provisions contained in sub-section (2) of Section 2 A of the

Industrial Disputes Act straight away and file an application before the Labour Court/ Industrial Tribunal inviting the adjudication of the Dispute relating to the termination without seeking reference of the Dispute by the Central Government under Section 10 of the Industrial Disputes Act, had fallen for consideration before a Division Bench of this Court in **U.Chinnappa v. Cotton Corporation of India**[1].

Sri Justice P.Venkatarama Reddi (as the learned Judge then was) speaking for the Division Bench had concluded the issue holding that the Dispute raised by the workman relating to his termination straight away under Sub section (2) of Section 2 A of the Industrial Disputes Act is maintainable.

In this view of the binding precedent, I hold that the writ petitioner is entitled to invoke the jurisdiction of the Labour Court/ Industrial Tribunal straight away without bothering in any manner to have the reference made by the Central Government in terms of Section 10 of the Industrial Disputes Act.

With this, the writ petition stands disposed of.

No costs.

NOOTY RAMA MOHANA RAO.J.

2.3.2007
psr

[1] 1998 (5) ALD 16 (DB)